

GOVERNMENT OF TELANGANA
ABSTRACT

Public Servants – Education Department – Case registered under the Prevention of Corruption Act, 1988, against Sri Dharavath Balaram @ Balram Naik, Secondary Grade Teacher at MPPS, Durgaiahwada Village, Kagaznagar Mandal, Kumuram Bheem district – Sanction for Prosecution – Orders – Issued.

SCHOOL EDUCATION (VIGILANCE) DEPARTMENT

G.O.Ms.No.40

Dated:19.09.2018
READ

ORDER:

Whereas, Sri Dharavath Balaram @ Balram Naik, S/o Sri Jayaram, worked as Secondary Grade Teacher (SGT) at MPPS, Durgaiahwada Village, Kagaznagar Mandal, Kumuram Bheem district during the period from 01.08.2013 to 10.11.2016 and as such he is a public servant within the meaning of clause (c) of Section (2) of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988).

2. And whereas, Sri Durgam Namdev who is working as Secondary Grade Teacher (SGT) MPUPS, Easgaon Village, Kagaznagar Mandal of Kumuram Bheem district is the complainant. The District Educational Officer, Adilabad issued a letter clearing the pending bills i.e. Pay Revision Commission(PRC) increment, promotion of the complainant Sri Durgam Namdev vide Rc.No. B2/B7/ 6542/2013, Dt. 26.03.2016. Accordingly the Mandal Educational Officer, Kagaznagar, issued Proceedings, prepared the pending bills for Rs.6,31,518/- (Rupees Six Lakhs, Thirty One Thousand, Five Hundred and Eighteen only) and Rs.3,66,870/- (Rupees Three Lakhs, Sixty Six Thousand, Eight Hundred and Seventy only) in the month of September and submitted the same in the Sub-Treasury Office (STO), Kagaznagar through Sri D.Balaram, S.G. Teacher who used to submit the bills in STO pertaining to teachers working in the Mandal. On 03.09.2016, Sri B.V.Ramanachary, Sub-Treasury Officer and Sri D.Balaram, S.G. Teacher called the complainant Sri Durgam Namdev and demanded to pay Rs.50,000/- (Rupees Fifty Thousand only) as bribe otherwise they would return his bills and not send them to the District Treasury Office (DTO), as two bills were pending in the office of the STO and some more bills were yet to be received from the Mandal Education Officer. They also stated that the bills would not be cleared and he might move around the office of STO. The complainant Sri Durgam Namdev expressed his inability to give the huge amount as his daughter is suffering with ill-health and she required medical expenses and he suffered a lot financially, upon which they warned the complainant that if he fails to pay the demanded bribe amount, the bills would be returned and they would not be sent to the D.T.O. The complainant Sri Durgam Namdev was unable to pay the huge amount and returned. The complainant Sri Durgam Namdev met Sri B.V.Ramanachary, STO on 3rd, 7th, 8th and 9th of September, 2016 and requested for clearance of his bills as he was not having money. On 09.09.2016, the STO Sri B.V.Ramanachary and Sri D.Balaram, S.G. Teacher, met the complainant Sri Durgam Namdev to demand bribe amount from the pay fixation arrears bills by assuring to sanction the pay fixation arrears bill for Rs.6,31,518/-(Rupees Six Lakhs, Thirty One Thousand, Five Hundred and Eighteen only) for the PRC 1999, 2005 & 2010. The complainant Sri Durgam Namdev agreed and returned. As per their assurance, Sri D.Balaram presented the above bill in the STO on 12.09.2016 vide Treasury Bill Register Sl.No.73, Bill No.73/16, Token No.1307002735, Trans ID.No.2735 and it was passed by Sri B.V.Ramanachary, STO, Kagaznagar and payment was made to the complainant Sri Durgam Namdev. Finally the complainant Sri Durgam Namdev met Sri B.V.Ramanachary, STO and Sri D.Balaram, S.G. Teacher on 03.11.2016 and on his request the STO asked the complainant, at present to give Rs.20,000/- (Rupees Twenty Thousand only) as bribe through Sri D.Balaram and asked to give the remaining bribe amount of Rs.30,000/- (Rupees Thirty Thousand only) through Sri D.Balram, after

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sanction of the bill for Rs.3,66,870/-(Rupees Three Lakhs, Sixty Six Thousand, Eight Hundred and Seventy only). The complainant Sri Durgam Namdev agreed to pay Rs.20,000/- (Rupees Twenty Thousand only) as first instalment and the remaining bribe amount of Rs.30,000/-(Rupees Thirty Thousand only) after sanction of his second bill for Rs.3,66,870/-(Rupees Three Lakhs, Sixty Six Thousand, Eight Hundred and Seventy only) as he had no other option.

3. And whereas, it is further alleged that Sri Dharavath Balaram @ Balram Naik, Secondary Grade Teacher at MPPS, Durgaiahwada Village, Kagaznagar Mandal, Kumuram Bheem district demanded and accepted an amount of Rs.20,000/-(Rupees Twenty Thousand only) from the complainant Sri Durgam Namdev as illegal gratification other than legal remuneration for showing an official favour “ to present pending bill of Rs.3,66,870/- (Rupees Three Lakhs, Sixty Six Thousand, Eight Hundred and Seventy only) which pertained to supplementary incremental arrears of the complainant Sri Durgam Namdev and after acceptance of the bribe amount of Rs.20,000/-(Rupees Twenty Thousand only) he handed over Rs.10,000/- (Rupees Ten Thousand only) to Sri Bejjarapu Venkata Ramanachary, STO, Kagaznagar, who received and asked him to enter the bill in inward for further process. Sri Dharavath Balaram @ Balram Naik, Secondary Grade Teacher at MPPS, Durgaiahwada Village, Kagaznagar Mandal, Kumuram Bheem district was trapped by the Anti-Corruption Bureau (ACB), officials of Adilabad in Cr.No.5/RCT-ACB-ADB/2016 on 10.11.2016 at 13.20 hours. When the Deputy Superintendent of Police (DSP), Anti-Corruption Bureau (ACB), asked Sri Dharavath Balaram @ Balram Naik, Secondary Grade Teacher at MPPS, Durgaiahwada Village, Kagaznagar Mandal, Kumuram Bheem district to produce the said bribe amount, he picked out the tainted bribe amount of Rs.10,000/-(Rupees Ten Thousand only) from his plastic bag and as per the instructions of the DSP, ACB, Adilabad he handed over the tainted amount to the Mediators who counted and compared with the numbers noted in the Mediators’ Report-1 and found them tallied. The DSP organized chemical tests on both the hand fingers of Sri Dharavath Balaram @ Balram Naik, S.G. Teacher at MPPS, Durgaiahwada Village, Kagaznagar Mandal, Kumuram Bheem district in two glass tumblers and both the hand fingers yielded positive results. The plastic bag was swabbed with cotton and then rinsed the cotton in sodium carbonate solution which also yielded positive result in the chemical test in the presence of the Mediators.

4. And whereas, the aforesaid acts of Sri Dharavath Balaram @ Balram Naik, Secondary Grade Teacher at MPPS, Durgaiahwada Village, Kagaznagar Mandal, Kumuram Bheem district, constitute offences punishable under section 7 and sub-section(2) of section 13 read with clause (d) of sub-section (1) of section 13 of the Prevention of Corruption Act,1988 (Central Act 49 of 1988) read with 120 B & 34 Indian Penal Code.

5. And whereas, the Government of Telangana State being the competent authority to remove the said Sri Dharavath Balaram @ Balram Naik, Secondary Grade Teacher at MPPS, Durgaiahwada Village, Kagaznagar Mandal, Kumuram Bheem district from the service, after fully and carefully examining the material viz., copy of FIR, copies of Mediators’ Reports-I and II, copies of statements of witnesses, copies of documents connected of the complainant Sri Durgam Namdev and other material placed before the Government, and official favour material in regard to the said allegation and circumstances of the case, consider that the said Sri Dharavath Balaram @ Balram Naik, S.G. Teacher at MPPS, Durgaiahwada Village, Kagaznagar Mandal, Kumuram Bheem district, should be prosecuted in a court of law for the aforesaid offences.

6. Now, therefore, in exercise of the powers conferred under clause (b) of sub-section (1) of section 19 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) read with 197 Criminal Procedure Code 1973 (Central Act 2 of 1974) the Government of Telangana do hereby accord sanction for the prosecution of the said Sri Dharavath

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Balaram @ Balram Naik, Secondary Grade Teacher at MPPS, Durgaihwada Village, Kagaznagar Mandal, Kumaram Bheem district, for the above offences punishable under section 7 and sub-section (2) of section 13 read with clause (d) of sub-section (1) of section 13 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) read with 120 B & 34 Indian Penal Code and for any other cognate offences punishable under any other provisions of law for the time being in force in respect of the above said acts and for taking cognizance of the said offences by the court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

(RANJEEV R. ACHARYA)
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Director General,
Anti-Corruption Bureau,
Telangana State, Hyderabad.